

THE <sup>2</sup>  
REASONABLENESS  
OF  
MENDING and EXECUTING  
THE  
LAWS against *PAPISTS*.

Humbly offered to  
The Consideration of all that have  
a Regard for  
THE  
Dignity of our SOVEREIGN,  
AND THE  
Liberty of *GREAT BRITAIN*.

---

By the late  
*ARTHUR ASHLEY SYKES, D.D.*

---

Printed in the Year MDCCXLVI.

---

---

L O N D O N :

Re-printed for S. BLADON, in *Pater-noster-Row*.

MDCCCLXIII.

(Price 6d.)

REASONABLENESS

MEMBERS OF THE

LAWS OF THE

THE COMMISSION OF THE



THE COMMISSION OF THE

THE COMMISSION OF THE

THE COMMISSION OF THE

THE COMMISSION OF THE

THE COMMISSION OF THE

---

T H E  
 REASONABLENESS  
 O F  
 MENDING and EXECUTING  
 T H E  
 LAWS against *PAPISTS*.

**W**HENEVER any one attempts to justify *Penal* Laws, and opposes all Relaxation of them, nay contends that they ought to be made severer and more effectual, it may seem to be owing to a want of Tenderness or Compassion to such as may be the unhappy objects of severity ; it may look like a spirit of persecution ; a spirit justly detested by all, that have any regard for Truth, or Virtue, or Christian Charity. It is contrary to the nature of Religion to be forced : and every man should be left to his Freedom in such matters, and never be compelled to the outward profession of what his heart denies, or perhaps abhors. What is seated in the will is not the object of Force, but of Reason and Persuasion ; and the instant Religion ceases to be voluntary it loses its existence.

To plead therefore for more laws, or for the Execution of such laws as are in Being against the



*Roman Catholics* Here in *England*, may seem a Contradiction to Reason and to the Spirit of the Gospel. They are *Christians*, though mistaken ones; They are Members of *Christ's Church*, tho' erroneous; and when They make a Convert to their Profession, still the Convert is a *Christian*, though a bad one. Why then are such severe Laws enacted against the men of that persuasion; and why doth the Legislature guard against and punish all such as are made Converts to that Religion more than it does to those of any other Sect?

Were it only an affair of *Religion*, and were Converts made only to *religious* notions, or to *religious* practices, it would be no great mischief to any State, nor would it deserve to be guarded against with that severity which the Laws of this Realm have constantly done. Let a man believe a piece of Bread, or a consecrated Wafer to be Christ; or let him pray to the Virgin *Mary*, or imagine her maculate or immaculate; or let him fancy that such or such a man can absolve him of his Sins, or that he is obliged to go and confess his Sins to such or such; or let him use as many ridiculous Rites and Ceremonies as he will, and think that the great God is pleased with Crossings, or Bowings, or Fasting,—If He will not force me to believe any of these things, or will let me enjoy my Liberty, I would try to shew him his Folly, but would not hurt his Person or Estate. Let him eat the God which his own hands had just before made, provided he would let me worship the God of Heaven, and not worship any *Image*, and would let me use only a reasonable Service towards Him, I should think it my duty to endeavour to convince such a Catholic, but I would not hurt a Hair of his Head for the violence of his Fancy.

But



But then suppose such a man should not only entertain the Popish Notions I have mentioned, but should think it his Duty to *force* and *compel* all others to do the same: Suppose he should take it into his head to *compel* all others to cross themselves, to believe a piece of consecrated Wafer to be God, to go to Confession, and in short to practice any Absurdity because He does so; if He will deprive them of all the Comforts of Life, imprison, rack, hang, torture them, if they will not comply with his Imaginations or with his Fancies,—Are you then to *tolerate* such Persons? Are you to suffer such men to make Converts, *i. e.* to gather Strength, and perhaps to get to such a Head as to be able to execute what their Zeal and Violence may suggest? This certainly somewhat alters the case, and will make one think of Self-defence, and Self-preservation, and of one's own Right to Liberty; and that it is folly to grant another what *must* ruin ourselves.

A Comparison of the *Romish* Tenets with the Doctrines of Christ as laid down in the Bible is sufficient to determine the *Truth* or *Falshood* of Them: and as to any Usurpations or Encroachments of Power in one Bishop over another, it can make no article of *Faith* upon which Salvation depends. Whether His Holiness at *Rome* is, or ought to be the Universal Bishop, Head of the Church, Primate and Supream Governor of all Christians, or whether his Power extends only to *Rome* and some few territories round about it, (since Jesus Christ has no where fixed the limits of his Diocese,) no private Christian's Salvation can possibly be concerned about it. It may be a Subject of Disquisition, of *Law*, or *Literature*, but it can never be an Article of *Faith*. To pretend therefore the extent of *Papal Authority* to be a point of Faith, is to suppose it founded on Scripture,

Scripture ; and to contend for it, is to contend for Subjection to a man at *Rome*, rather than either to preserve your own Liberty, or to follow the Rules laid down by your own lawful Sovereign. Surely whatever Decrees or Constitutions are made about it by the Pope, are *human* Constitutions, *human* Appointments ; or if they are called by any other name, they must still be no more than *Human* Regulations.

This leads me to observe, that the affair of *Po-pery* is of a complex nature : It contains a mixture of *Civil* as well as *Religious* Notions and Practices : And consequently they that judge of its Tenets, as merely *Religious*, do not take in the extent of the case. The Papists themselves never state their own case fairly ; but do as injudicious people do who are going to Law, tell their Council only what makes for themselves. They represent it as purely a *Religious* case : They tell us of all that concerns their Seven Sacraments, of their abhorrence of Idolatry, of their invoking Saints, or their Regard to Relicks ; of Confession ; of their Indulgences, Sacred Books, Traditions and Councils ; of the Infallibility of the Church, Communion in one kind, Holy Water, Miracles, Rites and Ceremonies—Things of a *Religious* nature, and for which they plead a Protection, or Toleration. And were This *all*, were this the *full* state of the case, were this the whole Truth, I cannot but think that they would be entitled to a free use of their Religion. Only let it be noted, that when I say this, I suppose them willing to grant a Toleration to others ; and that by some *public* Act they would renounce the Spirit of Persecution for which the Church of *Rome* has been so infamous.

But This is not the *true, full*, State of the Case, nor have they ever by any *Public* Act declared a Readiness to tolerate Others ; nor do they scruple to own the reason of their non-tolerating others to be

mere Dissent in Religion. My design therefore is to shew, 1<sup>st</sup>. That the Roman Catholics are *Herè* not prosecuted on a Religious Account. 2<sup>dly</sup>, If they were, it is only doing to them what they always profess a Right to do to others. And 3<sup>dly</sup>, It is on purely *Civil* matters, for the Security of the State, that they are exposed to Civil Inconveniencies. Accordingly if we look into the History of Executions of Priests or Others of that Communion, or into the Acts of Parliaments made at times against the Members of that Sect, we find the Sufferers executed for *Treasons*, or *Conspiracies*, or Crimes of a *Civil* nature, and never was one punished, as far as I can find, for any thing purely *Religious*.

That the Roman Catholics make merely Religious Principles and Practices the Ground of their Persecutions, cannot be denied. They charge their Adversaries with *Hereses*; and if they can convict them of what they call by that name, That alone without any other crime is enough to condemn them to Tortures, to Fire, to the cruellest Executions. Nay such is their Inhumanity, such their brutal Barbarity, that if a man be deemed openly and manifestly guilty, and dies in that crime, He is refused the (a) common benefit of *burial*, though he is *not declared a Heretick by the Church*. If (b) *any be found by the competent Ecclesiastical Judge*, only

(a) Et si tales hæretici publici et manifesti, licet nondum per Ecclesiam declarati, in hoc tam gravi crimine decesserint, Ecclesiastica careant Sepultura, nec Oblationes fiant, aut recipiantur pro eisdem. *Concilii Constant. Approbatio. per Martinum.*

(b) Qui autem de hæresi per Judicem competentem ecclesiasticum inventi fuerint sola suspitione notati, seu suspecti, nisi juxta considerationem & exigentiam suspitionis qualitatemque personæ, ad arbitrium judicis hujusmodi propriam innocentiam congrua devotione monstraverint, in purgatione eis canonice indicta deficientes, et se canonice purgare non valentes, aut pro hujusmodi purgatione facienda obstinatione damnabili jurare reponentes tanquam Hæretici condemnentur. *Ibid.*

marked



marked or suspected of Heresy, *unless according to the ground of the Suspicion and the Quality of the Person, they can shew their Innocence to the Satisfaction of the Judge, and can canonically clear themselves, or if they refuse obstinately to clear themselves by Oath, they are to be condemned as Heretics.* And what the Punishment of Heresy is, That Council that delivered over to the Secular Arm *John Huss* and *Jerom of Prague*, and made them be burnt, sufficiently has declared.

Heresy is a matter of purely a *Religious* nature, and implies no mixture of a *Civil* kind : And therefore all civil Inconveniencies inflicted on men for *Heresy* is properly *Persecution*. If therefore any men inflict Civil Punishments for *Religious* Opinions, or pronounce it lawful so to do, they break in upon the boundaries of civil and *Religious* Rights, and usurp an Authority which never was given them. Now the Pope presuming to claim this enormous power, and exercising it as much as he can ; and his Followers acting and being obliged to act under his directions,—whatever is by him condemned as *Heresy* is not allowed by him to be the Object of Toleration, notwithstanding it is a matter of a merely religious nature. So long then as merely *religious* Tenets are not tolerated by the Church of *Rome*, so long have the *Roman Catholics* no right to complain if they are not tolerated. Their constant Persecuting others for such Tenets, is a reason why they should not be trusted with any Power or any Privilege that may grow up to Power, unless they were by some public Notorious Act to disclaim the Right of Persecution.

I will therefore here add, “ If any man can  
 “ shew that any of the Laws about the punish-  
 “ ment of *Heresy* have been condemned, abroga-  
 “ ted, or relaxed, by the Church of *Rome* : Or 2.  
 “ That any Princes have been censured or bla-  
 “ med,

“ med, or in the least deterred by any of her Pre-  
 “ lates from executing of those Laws, or exempt-  
 “ ed from that Oath which doth bind them to  
 “ extirpate *Heretics*; or that by any Council of  
 “ the *Roman Church* they were ever permitted to  
 “ neglect the Execution of them; or that from  
 “ the Thirteenth to the Sixteenth Century any  
 “ Prince escaped the Censures of the Church who  
 “ did neglect to execute them. Or 3. That any  
 “ Country or City hath been rejected from Com-  
 “ munion of that Church for massacring Prote-  
 “ stants, and killing many Myriads of them in  
 “ cold blood. If 4. It can be made appear that  
 “ the same Principles which do oblige them to  
 “ receive other Articles of Faith determined by  
 “ those Counsels do not oblige them to the Exe-  
 “ cution of the decrees established by the same  
 “ Councils, or others equally obliging.”—If these  
 things can be answered in the affirmative, then  
 may the Papists pretend some claim to the Pri-  
 vilege of Protection here in *England*.

This challenge was made so long agoe as 1682 ;  
 and in all the Discourses published by the Papists  
 from that time to this, no one has attempted, that  
 I have ever seen, to clear up themselves from this  
 charge. And so long as it stands unanswered, the  
 Charge must be allowed ; and till some PUBLIC  
 Condemnation or Relaxation of these Penalties,  
 (so shameful to Popery, so scandalous to the Pro-  
 fessors of the *Catholic Religion*, so reproachful to  
 human nature) be declared and honestly avowed,  
 so long must *Papists* be deemed Enemies to all  
 Protestants.

The difference of the cases then is very great  
 betwixt Protestants and Papists here in *England* :  
 Papists maintain and never have given up a claim  
 of Right to Persecution for matters merely *Reli-  
 gious* : Protestants have long disclaimed all right

to Punishment on that account. The One therefore can have no Right, the Other with justice hath a Right to a Toleration. But there are *Other* Accounts for which Papists are excluded this Favour.

One plain and obvious Reason is, that They are by Principle, Enemies to our STATE. They refuse to give the ordinary *Tests* of *Fidelity* which all other Subjects are required to give, and readily do give; and whilst They unanimously refuse the ordinary Tests of Fidelity, they have no Right to Protection.

Let us enter into this affair more minutely.

The Roman Catholics Here refuse to give the common Tests of Fidelity to our Kings. Their Religion teaches them to acknowledge a *Foreign Prince* or *Power*, (call him *Pope*, or call him *Bishop*,) Their Religion I say teaches them to acknowledge a *Foreign Person* to be the Vicar of Christ, to whom they profess a ready (not to say implicit) Obedience. They assert and maintain that Jesus Christ made St. *Peter* the Supream Head over all Christians; and that his Successors in the See of *Rome* enjoy all the same Powers, Rights and Privileges that were conferred on Him.

It is needless to go about to prove this Fact; but taking it for granted, I shall consider what the Effects of it are in Politicks.

1. The Pope, as Vicar of Christ, is thought by such as are in Communion with him, to have a Power to *excommunicate* and to *deprive* Princes of their Kingdoms for certain Errors, or what they call *Heresies*, in Religion. Now Papists professing Obedience and Submission to him, are obliged to concur with this Deputy of Christ, and as far as they can, to put His sentence in Execution. This was the constant Practice for many hundred years: and though some may have entertained more moderate Principles



ples either by conversation with Others, or by seeing the wickedness of such a Practice, yet still whilst the Power is claimed and has been exerted,  
 “ to (a) cut off from the Unity of the body of Christ;  
 “ to deprive of all Dominion, Dignity and Privilege  
 “ whatever, to absolve all Subjects from their Oaths,  
 “ and from all Obligation of Fidelity and Allegiance;  
 “ to command all the Nobility and Subjects that they  
 “ don’t presume to obey her Orders, Commands, or  
 “ Law for the future; and to declare that such  
 “ as do otherwise are involved in the same Sentence  
 “ of Excommunication,” — Whilst this Power is claimed and exerted by the Pope, and never has been by any Public Act disclaimed, The Adherents to him, or his Partisans, are justly liable to Suspicion at least of Enmity to all Princes, who are deemed *Heretics*, or *Fautors and Encouragers of Heresy*.

This Suspicion has always been confirmed by Experience the best Interpreter of Principles. No sooner was Queen *Elizabeth* excommunicated, but the Seminary Priests and those that pretended the Pope’s Authority, began to execute the Bull, and practiced upon the People to induce them to *rebel*. They not only encouraged *foreign* forces to be sent into this Kingdom to aid a *Rebellion*, but excited all in their Power to aid and abet their Attempts upon the Queen. The consequence was, the Execution of Justice upon many as Guilty of *Treason*, as *Seditious*, as Enemies of the Realm; which their Adherence to the See of *Rome* made them to be, and which caused them to be treated as what they were, Enemies to our Peace and Quiet.

2. The Acknowledgment of the Pope as Supreme Head of the Church, has this natural and

(a) Vid. Pope Pius Vth’s Bull of Excommunication of Queen *Elizabeth*.

necessary Effect, that whilst he is submitted to as *Vicar of Christ*, and he can declare such or such Doctrines to be *Heresies*, and he can (a) *denounce in the name of God and of Christ whose Vicar upon earth he is, that no man shall go unpunished in the present life, and every man whom he curses shall in the future Life look for Hell fire*, — The Acknowledgment of such Power must lay the strongest Foundation of Obedience in his Subjects consciences; nor can they who admit of such power refuse to execute *his* commands who has the *Keys of Heaven and Hell*. Imagine that it were Christ himself that should enjoin any Practice: Would not every Christian be ready to obey *him* before all other Persons? And if the Pope be *Christ's Vicar on Earth*, and He declares any Action meritorious of Heaven or Hell, must not his commands have greater Influence than any other man's upon Earth? So that though the acknowledgement of the *Papal Supremacy* may seem to be no more than the Acknowledgment of One certain Bishop's Preeminence, yet it is in reality a Principle from which *Treason* may flow; it is a Groundwork of *Rebellion*; it is a Tie upon Conscience to execute a religious Superiour's Commands, rather than that of a Temporal Sovereign, in case they interfere: And in this light it has been considered by almost all Catholics.

3. They that imagine a *Foreign Person* to have Ecclesiastical or Spiritual Authority or Jurisdiction within this Realm, must derive it either from Christ, or from the established Laws of this Kingdom. Now as to the Last of these Sources, If

(a) Hoc tibi denunciamus in Virtute Omnipotentis Dei & Domini nostri Jesu Christi, cujus in terris Vicarius sumus, nec te in præsentis sæculo laturum impune, & in futuro æterni te ignis expectare incendium. Pope Adrian VI. ad Freder. Sax. Ducem. adversus Lutherum. apud Binium Tom. ix. p. 180.

any Act of the Legislature gave it, Another Act may take it away. Nor has any one a Right to complain, if he looses any Privileges which are purely Legal; since Laws made at one Time for the appearing Good of a Community, may be changed or altered when they are found to be detrimental, or grounded on mistake. Suppose therefore that there was a time when the *Pope's* Authority was *here* received, yet if it should appear afterwards that this was got by Usurpation, or that Those who promoted it were under gross mistakes about it, or that it was grounded on Prejudice and carried on by Faction, at the Expence of Liberty and Truth, it might and ought to be rejected, and the claim to be disannulled. It's Force being by Supposition, not grounded on Natural Right, or in the reason of the thing, but in *Law* or the Constitutions of Men, what was granted for a supposed Good to the Community may be reversed when it is found to be prejudicial to it; and no Injury is done to him who was once in Legal Possession, from whence all his Right was derived; since legal Dispossession may take away a Right which was held by nothing but legal Possession.

If the Power or Authority be derived from Christ, the *Proof* must be produced: For Claim without particular and strong *Proof* will never be admitted; and it is certain that no One Text of Scripture gives this Authority to any man whatever.

Whilst therefore the Laws of this Land gave a Power, Preeminence, or Authority to the Bishop of *Rome*, it was lawful for our people to submit to him so far as the Law would allow. But when the Legislature thought proper to discontinue such Power, or destroyed the Papal Influence, it became absurd in any Subjects of *England* to acknowledge



knowledge a Preeminence or Authority in him, or to treat him as Supream Head of this Church. If therefore any Subjects of this Realm should continue to acknowledge his Authority in this Realm after that the Legislature has declared that He has none, nor ought to have any, They must not only maintain by their private Authority a *foreign* Jurisdiction, and must look upon such a person as *Lord Paramount*; but They must deny the Authority of the Legislature to put an End to such a Jurisdiction as was held only by *Law*.

Now if any man, or Body of men, would take away from the Legislature the power which it is invested with, or refuse to submit to the Laws which are made pursuant to the Trust reposed in the Legislature, they would then set themselves up as the *sole Judges* in a Community, and would make themselves *Supream*. If they submit to the choice of a Legislature, and refuse to obey its commands when chosen, they set up themselves as the *alone Rulers*. I admit that a Legislature may do an unjust thing, and hurt the Community which it was chose to serve. But there must be clear *Reason* for complaint, and good *Proof* of the Hurt done to the Society. They must prove that the Legislature has exceeded its bounds; and broke into the Laws of God, or the Common Good. Now if our *Papists* should attempt to prove that our Legislature has violated or broke through any Laws of *God* by annulling the Papal Authority, It will shew that they hold the Papal Authority to be *divine*; and that they submit to it as *Divine*, i. e. That they maintain a *foreign* Jurisdiction to be not only supream, but *from God*, and that they submit to it on The Principle of *God's Appointment*. What is this, but the absolute denial of the right of supream Jurisdiction in our own Sovereign, and the making

ing him dependent on another, who is Lord Paramount?

It is true that many of our Papists of late profess to take the Oath of *Allegiance* to our King, and would willingly from thence claim a Title to Protection. But there is this Absurdity in their Conduct, that by *Allegiance*, they do not acknowledge Him to be Supream, whom all our Laws suppose to be Supream: They suppose another to be Supream: They acknowledge the *Pope* to have a *Jurisdiction*, a *Pre-eminence* and *Authority* here; and That is the reason why they refuse to take the Oath of Supremacy to our King. Whereas They ought to treat our King as *Supream* even by virtue of the Oath of *Allegiance*, since *Allegiance* is That Bond of Obedience which our *Laws* require to our Sovereigns, by which we profess our Duty to them as Sovereigns, and acknowledge those Powers which our *Laws* have given them.

That is the fittest and properest Test of any One's Obedience and Submission which is best suited to discover their behaviour: And therefore that Oath which best discovers the Opinions and Sentiments of Subjects towards their Sovereign should always be the Test of *Allegiance*. If therefore any Oath be administered which discovers whether, and how far, any Subject will be true to his Sovereign in Opposition to all others or whether, and how far He imagines Obedience due to Others in Opposition to his Sovereign, such Oath cannot but be just. And consequently if any Persons are under the Influence or Direction of any guide of Conscience, who under any pretense whatever of Authority would mislead them into acts of Disobedience to their Sovereign, such Oaths in particular ought to be administered and insisted on, as may best discover such Subjects. The Oath of *Supremacy* therefore ought always to be insisted on in our Countries, because  
it

it tends most effectually to discover such as by Principle own the Authority of One who is held *Superior* to our Sovereign.

The Oath of *Supremacy* runs in these Terms—I do swear that I do abhor, detest, and abjure, as impious and heretical, that damnable Doctrine and Position, that Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects or any other whatever. And I do declare, That no foreign Prince, Person, Prelate, State or Potentate hath, or ought to have any Jurisdiction, Power, Superiority, Pre-eminence, or Authority, Ecclesiastical or Spiritual, within this Realm.

The Man that refuses to take this Oath, when lawfully tendered to him, must either think that *Princes excommunicated or deprived by the Pope* may be deposed: Or else he must except to the other clause, and think, that some Foreign Person hath some Jurisdiction or Authority, Ecclesiastical or Spiritual, within this Realm.

The First of these has been attended with so many dreadful consequences to Princes, and Kingdoms, which have been delivered over as a Prey to their Neighbours, or whoever would invade them, that no Peace can be expected to that Community which is at enmity with the Pope, whilst he can exert such Authority and be obeyed. The charge of *Heresy* has been the common Artifice of Rome to excite Aversion and Hatred; and all Favourers and Encouragers of that crime are so severely condemned, and so vigorously butchered, that neither Prince nor State can be secure whilst such a Notion and Practice prevails.

If the *Second* of these Notions be the point objected to, then the Doctrine maintained must be that the Pope has, and ought to have some Jurisdiction, Power, Superiority, Pre-eminence, or Authority



*thority, within this Realm.* How He came by such Power is to be *proved*. What right has a *foreign Person* to execute Authority within This Realm? Whence does it arise? Not from Scripture: For there is not one word about the *Pope's Pre-eminence* or *Authority* in *this Kingdom*. Not from consent of this Nation: For the Nation has long since rejected a Claim that was got by Usurpation, and kept by Tyranny, and at last rejected not only as the Support of *Idolatry* and *Antichristianism*, but of *Treason* and *Rebellion*. What Evils hath not the Belief of the *Papal Superiority* over this Kingdom produced? How many (a) Priests have been *sent over hither* to practice upon the People, and to poison their minds, with notions that We are *absolved* by the *Pope* from our *Oaths*, and from Obedience to our Sovereign, who being pronounced an *Heretic*, is declared to *have fallen from all Dominion and Power*? If the *Pope's* power be from God, then Every Constitution of the *Pope* must be binding, merely as it is a Constitution of the *Pope*. But what shews the falshood of this, is, that no Constitution is deemed obligatory, unless a Nation *receives* and admits it; And the Customs of every Nation are pleaded against any New unreceived Constitution of the *Pope*. This is the strongest Evidence, that his Jurisdiction and Authority is not from *God*; for if it were, it could not be refused, by any Christian Nation.

A Papist will tell us (b), “that Christ gave the  
“ *Pre-eminence* to *Peter* with respect to the rest of

(a) *Pope Pius Vth.* sent *Nicolas Morton*, and many Others, into *England*, to declare by Apostolic Authority that *Queen Elizabeth*, was an *Heretic*, ob eamque causam omni Dominio & Potestate excidisse. Vid. *The Execution of Justice in England for maintenance of Public and Christian Peace: By Lord Burleigh.*

(b) Catholic Christian instructed. By *W. Chaloner*, p. 156.

“ the Apostles as appears from *Matt. xvi. 18, 19.*  
 “ when in reward of his Faith and Confession he  
 “ confirmed to him the name of *Peter*, or *Rock*,  
 “ and promised to him that upon *this Rock* he  
 “ would build his *Church*, and the gates of *Hell*  
 “ should not prevail against it, and that he would  
 “ give him the *Keys of the Kingdom of Heaven.*”

But how does this prove a *Jurisdiction* over the rest of the Apostles ? It will prove that He first opened the Kingdom of Heaven to both Jews and Gentiles after the death of Christ ; but what *Authority* did this give him over the world ? What *Jurisdiction*, *Superiority*, Ecclesiastical or Spiritual within this Realm, or any where else ? If He that *first* preaches the Gospel any where obtains by that, Ecclesiastical or Spiritual *Authority*, then *Peter* could not have it *Here*, because He never came into *England*.

So again He observes that our “Saviour (a) committed to St. *Peter* the Charge of all his Lambs  
 “ and Sheep, without exception, that is of his  
 “ whole Church.” Committed the Charge ? What Charge ? Why to *feed* his Sheep. And did St. *Peter* execute this Charge or not ? It is certain that he did not execute this Charge, if you understand by the word, *Feed*, either *Rule and Authority*, or *preaching the Gospel* to all without exception. For He did not *Rule* over the rest of the Apostles : St. *Paul* withstood him to the face. He did not *preach* the Gospel in the Province which Saint *Paul* undertook : Nor did he convert St. *Paul* ; Nor did He appoint the Bishops, whom the *Holy Ghost* made Overseers of the flock of Christ ? *Acts xx. 28.* How then is this Inference drawn, that because Christ bid him *feed his Sheep* and *Lambs*, Therefore he had *Jurisdiction* over all ?

(a) Catholic Christian instructed. By *W. Chaloner*, p. 156.

But (a) *Matth. ch. x. 2.* “reckoning the names of  
 “ the twelve Apostles, says, *The First*, Simon, *who is*  
 “ *called Peter.*” That is telling us, that where  
*Equals* are reckoned up by name, the *First* that is  
 named has a *Supremacy*. Surely the *Supremacy* is  
 first to be proved ; and not to be inferred from any  
 one’s being only first mentioned. Supposing I  
 were to say, that among the followers of *Socrates*,  
 the chief or *Principal* were *Plato*, *Xenophon*, and  
*Antisthenes* : Would this prove that *Plato* had a  
*Jurisdiction* over the rest ? Such wretched Argu-  
 ments do they bring who argue from Scripture for  
 the *Papal Supremacy*.

When therefore a Papist offers to take the Oath  
 of *Allegiance*, but denies to take the Oath of *Supremacy*,  
 He must treat the *Imperial Crown* of  
*Great Britain* as a petty Principality, depending on  
 some body that has a *Jurisdiction* over the King.  
 Whereas, to use the words of an Act of Parlia-  
 ment, “ by diverse and sundry old authentic histories  
 “ and Chronicles it is manifestly declared and expres-  
 “ sed that this Realm of England is an Empire,  
 “ and so hath been accepted in the world, governed  
 “ by one Supreme head and King, having the Dignity  
 “ and Royal Estate of the Imperial crown of the  
 “ same.” 24 Henr. VIII. c. 12. He must ima-  
 gine, that the King is not “ furnished with plenary ;  
 “ whole and entire power, pre-eminence, authori-  
 “ ty, prerogative and Jurisdiction, to render and  
 “ yield Justice, and final determination to all manner  
 “ of folks resiants, or Subjects within this his realm,”  
 as the same Act goes on to express it : He must  
 “ mind as it should seem, very seditiously and un-  
 “ naturally, not only to bring this Realm, and the  
 “ Imperial Crown thereof (being in very deed  
 “ most free) into the Thraldom and Subjection of

(a) Catholic Christian instructed. By *W. Chaloner*, p. 157.  
 C 2 that



“ *that Foreign, usurped, and unlawful Jurisdiction,*  
 “ *Pre-eminence, and Authority claimed by the See*  
 “ *of Rome, but also to estrange and alienate the*  
 “ *minds and hearts of Sundry her Majesty's Sub-*  
 “ *jects from their dutiful Obedience.*” 13 Eliz. c. 2.  
 He must imagine the *Spirituality* and *Temporality* of  
 this Realm not “ sufficient and meet of itself with-  
 “ out the intermeddling of an exterior person or  
 “ persons, to declare and determine all such doubts,  
 “ and to administer all such Offices and duties, as  
 “ to their rooms doth appertain.” He must deny  
 our Sovereign his Just Prerogative ; since his  
 Power, in the Nature of the thing, must extend to  
*all* persons resident in his Realms, to punish them  
 if they do amiss, and to make them subject to  
 those powers that are appointed for a *Terror to them*  
*that do Evil.*

They will tell us, that the Pope's *Jurisdiction* is  
 only in cases of a *Spiritual* Nature : It is only  
 over *England* as a *Church* ; And that *Princes* are  
 subject to the *Jurisdiction* of the *Pope*, not con-  
 sidered as *Princes*, but as *Christians*. That in this  
 respect, They are Subject to the Determinations of  
*General Councils* exactly as all other *Christians* are :  
 And if the *Pope* has the Execution of the deter-  
 minations of *Councils*, *Princes* must be subject to  
 Him in This, just as all other men to whom *Their*  
*Executive* power extends, are subject unto *Them*. Or,  
 if the *Pope* be *Supream*, and *above all Councils*, Obe-  
 dience then will be due to *his* Decrees and *his* De-  
 terminations, however made known unto the *Chri-*  
*stian World.*

1. The Determinations of *General Councils* are  
 never of any Authority, where they are *not recei-*  
*ved* : and no *Pope* has Authority from *God* to  
 make them be received : nor in consequence to put  
 their Decrees into Execution, where any State *re-*  
*fuses* to receive them. What is in the Word of  
 God,

God, *every Christian*, as Christian is obliged to receive: but as to *Additions* to the Word of God, or mere *human Interpretations* of the Word of God, no *Pope*, nor any one else, has power to force them upon any Christian.

2. What is it that makes a *General Council*? Is it a Meeting or Assembly of all the Bishops of the Christian World? There never was such a Council yet called, by either Pope or Prince, nor ever did such an one meet. Is it any particular Number of Bishops which makes it *General*? How *Many* must they be? Must the inferior *Clergy* be called with them? Must not the *Laity* be called by Themselves, or by *Proxies*; and have not They a Right to join and vote in what they are to obey?

But 3. What have *General Councils* been (I speak of *all* Universally from the Council of *Nice* to the Council of *Trent*) but the Meetings of Corrupt, Ambitious, Intriguing, Contentious Men, who never once have attempted to serve the Cause of *Christ*, but *themselves*: Who have ever by fraud and craft and cunning aimed at *Superiority* and *Power* over those whom they had a mind to depress, and who never attempted to establish Truth as it lies in *Christ*: Who have endeavoured to gain a Majority by Art and Power without regard to the Bible or what is there enjoined: Who have always contended for some *addition* or Other to the Gospel, but never to leave the word of God to its own native Simplicity: Who Lastly have wrested and perverted the Scripture, but never have taught it pure and uncorrupted? And is the Pope the Executioner of such Decrees of factious Partisans, that his Superiority over Kings and Princes is to be submitted to?

You will tell me perhaps That the Oath of *Allegiance* to the King was changed in and by an Act

Act 1 *Will. & Mary*; and now contains no more than this, That the person who takes it, *promises and swears that He will be faithful, and will bear true Allegiance to his Majesty.*

It is true that the Oaths were then changed, but *Allegiance* itself was not altered: nor was the *King's* being *Supream*, nor was the denial of all *foreign Jurisdiction* within this Realm, made other than it was before. The Oath of *Supremacy* is required, that no *Foreign Person* should be acknowledged to have any *Jurisdiction* in this Realm. And if you will suppose this taken away, or that *Allegiance* can be sufficient without This, what Security can be given for *Fidelity* to the King? Suppose a Decree to be made by the Spiritual Superior, that a certain Punishment, fixed by a Council on *Heretics* and *Fauntors of Heretics*, shall be inflicted: They shall be *e. g.* excommunicated and punished according to the nature of the Offence and the Quality of the Person. The Prince then is pronounced an *Heretic*, and his Subjects (as frequently has been the case) are *absolved* from their *Oaths*: the Prince is an *Heretic* and *Schismatic* and all Leagues, Compacts, Conventions made with *Heretics* are rash, unlawful, null. — If the Pope be held *supream*, then is the Subject absolved from his *Oath* of *Allegiance*; and in course no Security is given to the Government by taking such an *Oath*. For no Oath to an Inferior can be obligatory against the Rights of a Superior: and consequently the Oath of *Allegiance*, if considered as the Oath to an Inferior, can only serve to abuse and mislead, whilst it is no Argument of *Fidelity* to the King, in cases where it may be most wanted.

The *Papal Authority* is deemed by the *Roman Catholics* *supream*, over all Persons whatever, that  
name



name the name of Christ. The Oath of *Allegiance* therefore to any Prince is no more obligatory, if any dispute arises between such Prince and the Pope, than the Oath of any Person that is admitted into any little Corporation or Community is obligatory, if his Oath should contradict the Laws of the Land, or the Supream Legislative Authority. Were the Oath of *Allegiance* therefore to be taken, and were the Papists admitted to Protection equally with all other Subjects, the Government could have no dependence upon them in virtue of that Oath, because they always continue the Subjects of a *Superior*, who can direct and influence them at his pleasure in opposition to their lawful Prince. It is the *Supream* Head and Governor that can keep all things in Peace and Order. The Law of a Land is paramount to all the Laws or By-laws of lesser Corporations, or to Oaths taken to the Observation of such: and accordingly whatever Oaths are taken in such cases, they are void *ipso Jure*. And so it is in the case of *National Laws*; if there be a *Foreign* person, state, or potentate that claims a *Superiority* to them, or to the King that executes them, that *foreign person* is to be obeyed prior to the *Inferior*. From whence it must be concluded that no Roman Catholic can be a good Subject to a Protestant Prince in this Kingdom; that the taking the Oath of *Allegiance* is no manner of Security to the Government; and in consequence that they ought to be treated as what they are, Enemies to our State.

The Rights of Religion, and the Rights of Civil Society are so different in themselves, that it is easy to see their proper limits, and to judge how far the One encroaches on the other. Both are certainly to be preserved; and the State has as certain Rules to go by, and is as much authorized by God and Man to secure itself as Religion

ligion has or can have to secure itself. Whatever degree of Severity or Punishment is necessary to secure the civil Rights of Mankind, is justifiable before God and Man; and a Government has a right to use it, be it more or less in proportion to the Necessity of its Safety. If smaller punishments are not sufficient to secure a state from violence, and injury, or treachery, it is entitled to greater ones in order to compel its Subjects to their Allegiance, and to deter them from Treason and Rebellion; nor is there any degree of Punishment, 'till you come to the highest possible, which is not lawful, provided it be necessary, to secure the whole against such as are notorious Enemies to the Government. And if the internal Enemies of the State clamour against the means made use of to secure the Community, they are guilty of a manifest Absurdity; because it is always just and right to exert the whole force of the Society to defend itself: And in cases of Enmity, when men plead Religion, or Liberty of Conscience, or talk of the Principles of Christianity, — These are all foreign to the purpose. The State has a Right to Self-security and Self-defence, and the Enemy must take the consequence.

To urge the Rights of *Conscience*, for not giving such Assurance of Fidelity as the State requires, at the same time that a *Foreign Person* and a *Foreign Jurisdiction* is acknowledged, is to declare against all right to Protection. For Allegiance and Protection being reciprocal, He only whose *Supream Jurisdiction* is recognized, is entitled to proper *Allegiance*; and the Subordinate Jurisdiction cannot be secure of Submission; and therefore is not obliged to grant Protection. The Submission to a Higher Authority being acknowledged, That to the Lower, always must be with some *Salvo*: and in the

the present case, the *Foreign Power* is supposed to have a right to excommunicate, depose, deprive, condemn as Heretical, with all the consequences of such damnable Positions. If therefore the Oath of *Allegiance* be taken to our Kings, it must be with a *Salvo Jure* to the Pope; which is not swearing *Allegiance*, but shamefully deceiving, and grossly imposing upon such as will grant such Oaths.

When *Religious Notions* are pretended, and a Toleration for Religion is claimed as a just Right on their Account, No one can in general contest the claim. But there is in Popery something so exorbitant, so enormous, that it precludes itself from what is the common Right of all other *Religious Bodies*. Their *Religion* is the very reason why it ought not to be tolerated here. For it is their Religion that makes them acknowledge the *Jurisdiction* of a *foreign Power* over this Kingdom, and makes them incapable of giving the Test of their Fidelity to our King. Were their Religion only to consist in believing Nonsense and Absurdity, or in invoking Saints, or in worshipping Images, it might safely be tolerated, because the Society, as such, would not by that means suffer. If they like Popperies, and a thousand superstitious Rites superadded to the Simplicity of the Gospel, they might enjoy them without prejudice to the State, and they should be treated as other Religious Societies are with Tenderness and Compassion. But their Religion is a great deal more; and not only implies an *Enmity* to all other Religious persuasions; but what makes it intolerable, an *Enmity* to the State itself. For a Recognition of a *Superiority* of a *Foreign Person* over the King, is denying the King to be *Supream*; and it is acknowledging the Papal Decrees and Constitutions, in Opposition to the King's, to be the Rules of their Behaviour.



As oft as this Topic, or such like are urged, the Papists constantly reply, that this Superiority is only in *Spirituals*.

What now are these *Spirituals*? If they mean by them, the Canon Law, Papal Decrees, and Papal Constitutions, They are enough of all conscience to sink the best State in *Christendom*. How many Kingdoms have they involved in Wars Civil and Foreign? How many Princes have they destroyed? What Torrents of Blood have been shed on this account? What Barbarities have been committed? How many hundred Thousand Souls have been massacred for not believing what the Pope himself, in the midst of All his Decrees, cannot believe? For no man unless he be a fool or mad, can believe a Contradiction to be true, were he to swear it a million of times. What Destruction has this *Spiritual* Power of *Rome* produced? And How much the Temporal concerns of all Nations have suffered under this Pretence, every History in every Nation will sufficiently declare.

I abhor Persecution for conscience sake as much as any man in *Christendom* does or can: And therefore I would not hurt or grieve any honest Papist, that believes Transubstantiation, or worships Images, or invokes Saints. I think they should be convinced, (if it be possible) by Reason and Scripture, and calm and cool Arguments, without any Force whatever. But as the State must be secured, and all Papists, as such, are Enemies by Principle to it, I can never give up the Right of the Kingdom to secure itself by guarding against them; nor is it just to argue from the Principles of Toleration of other Religious Sects to any right in Them to be tolerated.

It may be said, that Papists have as much right to be tolerated here as *Protestants* have in *France*, or in any other Popish Country. And it would

be

be certainly true, if *Protestants* acknowledged any *foreign Person, State or Prelate*, to have a Superiority or Authority, Ecclesiastical or Spiritual, over the King of such Country. But there is no such Jurisdiction or Power recognized by them. The *Protestants of France* “ have nothing passing in “ their religious Assemblies, that is contrary to “ the State ; they pray to God for the Prosperity “ of the King and his Family ; they recommend “ Submission and Obedience to his Majesty, agree- “ ably to the Acts passed in their national Sy- “ nods : ” They appeal to the world for this, at this time : and consequently they have a Right to Toleration ; and it is persecution, cruel, unjust, inhuman, not to grant it to them. On the contrary, *Papists* in this Country refuse to give any Test of Allegiance that is satisfactory ; they openly avow and abet a *foreign Jurisdiction* ; they insist on a Supremacy which has commanded all *Heretics*, and all Favourers and Encouragers of *Heresy*, to be pronounced *Excommunicate*, and deprived of all their Dignities and Honours ; a Supremacy which has often interdicted Kingdoms, and absolved Subjects from their Oaths, and has commanded the faithful not to have any dealings or contracts with *Heretics*. Examine the reasons why a Protestant is persecuted in *France*, and it appears to be mere Matter of Religion, and pure conscience : it is for holding mere religious Opinions, and for appearing in open Assemblies to worship God in their own manner, without Arms of any kind, without Tumult, or promoting, or exciting Tumult. This does not affect the Interest of Civil Society, nor does it hurt the State, or alienate the minds of Subjects from their lawful Governors. And were *Papists* here to do the same, and pray for the King by name, and recommend Obedience and Submission to him, and Him alone, as Su-

pream Governor of his Majesty's Realms and Dominions, and to deny all *foreign Superiority* within this Realm, our Civil Interests would not be hurt, and they might enjoy the Benefit of Protection. But whilst the Cases are so widely different, it is either Weakness and Folly, or it is Wickedness and Knavery, or a total carelessness about Religion, to argue from the one to the Other, and to treat them as if they were the same.

Having thus considered the Principle upon which Papists are denied equal Protection with Other Subjects, I must next observe that our Legislature has always considered Popery in *this view*. It was enacted by 27 Eliz. c. 2. Because “Jesuits, Seminary Priests, or other Priests came over into this Realm of England, of purpose, as it hath appeared by sundry of their own Examinations and Confessions — not only to withdraw her Highness's Subjects from their due Obedience, but also to stir up and move Sedition, Rebellion and open Hostility — to the utter ruin, desolation, and overthrow of the whole Realm, if the same be not the sooner by some good means foreseen and prevented,” — it was enacted, I say, for this reason, “That it shall not be lawful for any Jesuit, Seminary Priest, or other such Priest — being born within this realm, or any other her Highness's Dominions — ordained or professed by any authority derived — from the See of Rome, — to come into, be or remain in any part of this Realm, — and if he do, that then every such Offence shall be taken and adjudged to be High Treason, and every Person so offending shall for his Offence be adjudged a Traitor.” And “If any of her Majesty's Subjects (not being a Jesuit, Seminary Priest, or other such Priest —) shall be of, or brought up in any College of Jesuits, or Seminary — shall not within Six Months next after

“ Proclamation



*“ Proclamation in that behalf to be made, return,—*  
*“ and take the Oath [of Supremacy] He shall also*  
*“ be adjudged a Traytor.” Nor could any Sub-*  
*ject send his or her child beyond Sea without Spe-*  
*cial Licence. To maintain the Authority of the*  
*Pope, is a præmunire; to absolve and reconcile*  
*any person is High Treason, 13 Eliz. c. 2. To*  
*Have, or pretend to have power, or by any ways*  
*and means to put in practice to absolve, persuade, or*  
*withdraw any of the Queen’s Majesty’s Subjects—from*  
*their natural Obedience to her Majesty from their Re-*  
*ligion, or to move them to promise any Obedience to*  
*any pretended Authority of the See of Rome, is High*  
*Treason, 23 Eliz. c. 1. Every person that shall*  
*say or sing Mass, being thereof lawfully convicted,*  
*shall forfeit two hundred Marks, and to remain in*  
*prison by the Space of one year: And every person that*  
*shall willingly hear Mass, shall forfeit one hundred*  
*Marks, and suffer Imprisonment for a year.” Ibid.*  
*King James Ist. added other Penalties: That every*  
*Popish Recusant conforming, shall receive the Sacra-*  
*ment once a year, upon pain of forfeiting for the*  
*first year twenty pounds, for the second year—forty*  
*pounds; for the third year threescore pounds. And to*  
*these are added other penalties and Inconveniencies;*  
*the Reason of all which is declared, because “ by*  
*“ the wicked and devilish counsel of Jesuits, Se-*  
*“ minaries, and other like persons dangerous to*  
*“ Church and State, many of his Majesty’s Sub-*  
*“ jects are so far perverted in the point of their*  
*“ Loyalties, and due Allegiance unto the King’s*  
*“ Majesty and the Crown of England, as they are*  
*“ ready to entertain and execute any treasonable*  
*“ Conspiracies and Practices.” 3 Jac. I. c. 4. By*  
*Another Act, all and Every Person — which shall*  
*send, or cause to be sent any Child beyond Seas — to*  
*the intent to enter into, or be resident in any College,*  
*Seminary, or House of Jesuits, Priests, or any other*  
*Popish*

Popish Order, — *to repair in or to any the same to be instructed, perswaded or strengthened in the Popish Religion, — Every such person shall forfeit one hundred pounds. And every such person — in respect of him or herself only — shall be disabled to inherit, purchase, &c.* 1 Jac. I. c. 22. This is strengthened by an Act of 3 Charles I. c. 2. and by another 11, 12. Will. III. c. 4. Afterwards They came to be double Taxed, and in the 11th, 12th, of Will. III. c. 4. it was enacted, *That Every Papist who shall not within Six Months after He or She shall attain the Age of eighteen years take the Oaths of Allegiance and Supremacy, and also subscribe the Declaration set down in an Act of Parliament made 30th year Charles II. — Every such Person shall in respect of him or herself only — be disabled and made incapable to inherit or take by Descent, Devise or Limitation, in Possession, Reversion or Remainder, any Lands, Tenements, or Hereditaments. — And that during the Life of such Person, untill He or She do take the said Oaths, the next of his or her Kindred, which shall be a Protestant, shall have and enjoy the said Lands — without Waste.* They are likewise by the said Act disabled and made incapable to purchase, in their own or others Name : And all Estates for their use, or upon any Trust or Confidence, shall be utterly void. Any Person, too apprehending a Popish Bishop, Priest or Jesuit, and prosecuting him untill he be convicted — of exercising any — part of the Office of a — Priest — within these Realms shall receive one hundred pound. In this Act there is a Proviso for Priests saying Mass in the dwelling house of any foreign Minister, so as such Priest be not one of his Majesties natural born Subjects.

I mention not some other Legal Inconveniencies, such as their being confined to certain Places of Abode ; Recufants convict, not being admitted to Court ; being to be disarmed. All these Penalties

nalties are not for their *Religious* Practices, but to guard against the *Civil* Evils arising from their acknowledgment of a *Foreign Jurisdiction*; and their continual practising upon the people to pervert them into such Notions.

One would think, that so many laws (if duely executed) should have effectually put a stop to this constant *Conspiracy* against the *Empire* of this Realm, and against its fundamental Constitution. But hitherto have all Endeavours for our common Security been in vain. Bishop *Burnet* tells us of a “ Bill, that was brought into the House of Commons with Clauses that would have rendred the Bill “ past against Papists in the End of the last reign, “ effectual. This says he, alarmed all of That “ Religion: So that they made very powerful (or “ to follow the raillery of those times) very *weighty* “ *Intercessions* with the considerable men of that “ House.” Those who were against the Bill, did, as always they did, and ever will do, complain of such a Bill as “ unreasonable, when we were in “ Alliance with so many Princes of that Religion, “ and that it must lessen the Force of the Queen’s “ Intercession in favour of the *Protestants* that lived “ in the Dominions of those Princes. The Proceed- “ ing seemed rigorous — and was contrary to the “ Maxims of Liberty of Conscience and Tolera- “ tion.” *Burnet’s Hist.* Vol. II. p. 440.

But if this Bill be brought into the House again, Let the Papists be told, that a *Foreign Jurisdiction* over the Subjects of this Realm is never to be suffered: That They betray their Country, who are for suffering such Authority over our *free* Kingdom to prevail: That Every Convert made to Popery is the loss of a Subject to our King: That all Nations in the whole world ought to keep themselves from Subjection to any *Foreign* Power: That *Foreign Jurisdiction* in the Pope, and a Foreign Pretender to  
our



our Crown, are inseparable : And that every *Papist* made here by *Jesuits*, *Popish Priests*, or Others, are a constant dead weight against the Power of our Sovereign. Let them call the Proceeding against them *rigorous* ; so a Band of Thieves will call the Proceedings against a Thief, as a Felon, rigorous. Ought not the Sovereign's Rights to be preserved and maintained by all his faithful Subjects ? If the Proceedings against *Papists* here, are said to lessen our Influence upon Princes abroad in behalf of *Protestants*, — Tell them, that if *Protestants* abroad plead for a *foreign Jurisdiction* over their natural Sovereigns, They ought to suffer as *Traitors* ; nor ought we to interfere on their account, or to have our *Intercession* regarded. Let the Truth therefore be told, That the *Protestants* abroad ought to meet with favour because their Dissent from the National Religion is purely *religious* : It is not Party, it is not Faction, it is not Rebellion, it is not any *Civil* Notion, nor any thing inconsistent with the *Civil* Interests of the Society which makes or keeps them *Protestants* : It is not any acknowledgment of a *foreign Power*, or a *foreign Pre-eminence*, or a *foreign Jurisdiction*, but it is their regard to God alone, and their Duty to Him, that makes them worship him as they do. Let the *Intercession* be made on these Principles, and see if it can loose any Force with any reasonable man in *their* Behalf ; and as for Rigor, it ought to be against the Enemies of our Kingdom ; nor is it contrary to the Maxims of either Liberty of Conscience, or Toleration, or the Tenderness of Christianity, if the Maxims of these are understood.

The Bill which Bishop *Burnet* speaks of, which was brought in in the 4th of Queen *Anne*, and which would have made the Act of the 11th, 12th of King *William*, as he owns, effectual, was to supply

ply the defects of *that Act* in order to enforce its Execution.

It was provided by the Act of King *William*,  
 “ That all Papists should, within Six Months after  
 “ they had reached the Age of Eighteen, take the  
 “ Oaths of Allegiance and Supremacy, or declare them-  
 “ selves Protestants, in default whereof their Estates  
 “ were to go to the next Heirs being Protestants.”

“ Now this clause was so lamely expressed,  
 “ says my Author, that the *Roman Catholics*  
 “ found two ways to evade it. First, there be-  
 “ ing in all families a gradation of age among the  
 “ several Heirs to the same Estates, it happened,  
 “ that though the Person, who was come to the  
 “ Age of Eighteen did not take the Oaths prescri-  
 “ bed by the Law, yet the Title of *Protestant*  
 “ Heir remained undecided as long as any next  
 “ *Popish* Heir was under Age.”

The Remedy to this Evil seems to be natural enough, that the next Protestant Heir, or in case of his Refusal, the next to Him, or if the Two next refuse, Any other Protestant Relation should be obliged to claim and enjoy all the Rents and Profits of the said Estate without Waste, or being accountable for the said profits, till the next *Popish* Heir when he came to the Age aforesaid should take the Oaths prescribed.

“ Secondly, ( and this was the main incon-  
 “ venience ) it lying, by that Clause, upon the  
 “ next Heir to him who at the Age of Eighteen  
 “ refused to declare himself a Protestant to *prove*  
 “ that he had not made that declaration, it was  
 “ impossible for such Heir to prove a Negative.  
 “ Now, to make that Clause binding and effectua-  
 “ l, it was enacted in this bill, That all Papists  
 “ and reputed Papists should within six Months  
 “ after they had reached the Age of Eighteen,  
 “ not only declare themselves Protestants, but

“*prove* also, that they had made such a Declaration.” Thus was This defect in that Act of King *William* supplied.

A Third Defect in this Act was, that the words —“ The *next* of his or her *Kindred* which shall “ be a Protestant shall have and enjoy the said “ Lands,” were likewise not sufficient for the purpose intended. For 1. The *next* of *Kindred*, was not *obliged* to claim; and if *He* would not, nobody else could claim; for the Right conveyed by this Act did not descend to others, if the *next* of *Kindred* would not or did not take the Advantage. Therefore 2. There ought to have been Provision made, that if the next Protestant Heir did not claim, remoter Heirs might have the Advantage.

There are those who conceive the Laws in Being against Papists to be too rigorous and severe; and These are willing to think, that the mere Severity of them is the reason of their not being put in Execution. Others there are, who are not against the Severity of the Laws, but imagine that some other Test should be contrived, not taken from the *Doctrine* and *Worship* of Papists, but from what relates to *Civil* matters only.

As to this Last, if a proper Test can be thought of, better than the present, by which they may renounce all *Foreign Power, Authority, Jurisdiction, Preeminence, Ecclesiastical or Spiritual, over this Realm*, let it in God’s name be admitted. But whilst this Principle is acknowledged, the *Empire* of this Realm is deemed and treated by them as *subject*, not *free*: Subject to One a Thousand Miles off, who is to direct, influence, guide the Actions of *English Men*: Subject to One, who in Experience is found to have deprived and deposed our Kings, only for refusing Submission to his exorbitant Decrees: Sub-  
ject



ject to one who has in fact absolved our Subjects from their Oaths to their lawful Princes: Subject to one who has imposed the absoluteſt Slavery upon our minds as well as bodies: and laſtly, Subject to one, who has never been free from endeavouring to diſturb the Peace of this Realm, and from “ exciting Treafonable and “ Execrable deſigns and conſpiracies againſt “ our Sovereign’s Perſon, and Government.” Free the Nation from all juſt fears of being Subject to a *foreign Jurisdiction*, in any manner ſo equitable as by inſiſting on Papiſts and every body’s taking the Oath of *Supremacy* as well as *Allegiance*, and I ſhould be very little ſollicitous about the *Teſt* itſelf. To ſwear *Allegiance* without renouncing all *foreign Jurisdiction*, is not giving a Teſt of true Fidelity: nor does it answer the End of ſwearing *Allegiance*; nor is it the *Allegiance* deſigned or intended, however verbal it may be, ſince it is liable to an Equivocation which in all Oaths is always to be avoided.

As to the point of *Severity*,—No doubt if *Severity* be the *reaſon*, why theſe Laws (of which I have been ſpeaking) are not executed, there ought to be an Abatement of it, and ſuch Law or Laws ſhould be made, as would certainly and conſtantly be put in Execution. For I think it is agreed to be neceſſary that ſome Laws ſhould be in force on this occaſion, to guard againſt the Evil (ſo often mentioned) to the Community.

But here *Fiſt*, It muſt not be taken for granted that the *Severity* of our Laws is the reaſon why they are not put in Execution. Is that the reaſon why the Laws relating to the *Poor*, or to *Vagabonds*, or to a multitude of other caſes, are not put in Execution? No. There is no nation in the world has better Laws, or better deſigned for the Good of the State, than we have; and perhaps no

State has them less regarded or executed. It is not the Severity of our Laws, but in many instances the *Obscurity* of them ; in some, the *Multiplcity* of them ; in some, the difficulty ; in some, the possible Inconvenience to the Magistrate ; and lastly, in some cases the Remissness, or Carelessness of those who should see them put in Execution, which makes them so much neglected, and gives Encouragement to *Popish* Priests to dare to sap the Foundation of our Government.

A *Second* reason why the Laws have not been put in Execution is, That sometimes those that have been in Power, have not only obstructed the Execution of the Law, but when a Priest has been convicted and condemned and ordered to Imprisonment for Life, the Messenger who was to convey him to Prison, has been ordered to *let him escape*, and to take no Notice. Who will prosecute a man for any Crimes, if the Persons who are High in Power are so ready to see the Laws rendered useless, and Prosecutors have no other thanks or reward than their labour for their pains. But

3. Papists are too usually considered by the *Great* only as a *Religious* Sect, or Party of *Christians* ; and they imagine all Sects, all Dissenters from the Established Church as equal. And were this indeed the true and full State of their case, They should all be treated alike, and every one's hands should be tied up from Prosecutions, or any ways molesting another on account of *Religious* differences. But this is *not* the Case: Papists are, and cannot but be upon Principle, *Enemies* to our State ; and therefore all the Guards and Securities possible must, and ought to be taken, to protect the Government, and to maintain the Honour and Dignity of our Sovereign.

Why

Why do they declare against taking the Oath of *Supremacy*? Is it not because they acknowledge and profess to maintain a *Foreign Jurisdiction* over his Realm? Is not this avowing *Imperium in Imperio*, the absurdest of all Politics? Is not the Papal Power deemed by them Superior to That of our own Sovereigns? Can any Prince that knows his own Rights suffer such an Indignity.

But I have said enough. If Popery appears to Others in the Light it does to me, it is the greatest Corruption of Christianity possible: The Church of *Rome* is guilty of the grossest Idolatry, if it be possible from the Old Testament to know what *Idolatry* was; or if it be possible from Reason to know what *Idolatry* is: Its Constitutions and Decrees are all *Persecution*; a reproach to Humanity, a Scandal to all that can be called Religion. But setting aside these Considerations, it is in *Politics* maintaining a *Jurisdiction* over this Realm; a *Superiority* over our Sovereign placed in One at *Rome*, a Preeminence, which has been exercised over *Kings*, got by Usurpation and carried on by Tyranny: And this will justify any Severity, which the Wisdom of this Nation may think fit to exert. If therefore the Law of 11, 12, of King *William* be explained as it ought to be: If an absolute *Disinheriting* clause be added for all children sent over to Popish Schools, Seminaries, Colleges, or Monasteries for Education; If all such children as change their *Names*, or do not go by their *Parents* Names, in the *Popish* Schools abroad be disinherited; If the Law may be suffered to take its course without Obstruction; If the *Priests* of all foreign Ministers be confined to *Foreigners*, and none permitted but such as are registred; If the *Priests* who corrupt our people, be carefully sought out and punished; and the *People converted* have the Laws duly executed on them; Or if it  
be



be thought necessary, that every *Convert*, refusing to take the Oaths, shall be *banished* or *transported*, for a term of years, or for ever, all such being made avowed *Enemies* to our King and Government: Or if any Other Method more proper for securing the *Honour* and *Dignity* of our *Sovereign*, and the Peace of the Nation, be thought of, It is humbly apprehended that it ought to be done, and no *Time* can be more fit than the present, to lay a foundation for future *Quiet*.

Hitherto I have considered the question, how far Severity may lawfully be used *here* against *Popists*. But as a Case of a more complicated nature may arise in relation to the *Natural Subjects* of a Prince acting as *Priests*, in any *Foreign Minister's House*, whilst the civil Laws of their Country may forbid them so to act, it may be right here to consider this case in a few words.

It is well known that by the Laws of this Kingdom, “any Popish Priest saying Mass, or executing any other part of the Office—of a Popish Priest *within these Realms*; Or, if any Popist, or Person making profession of the Popish Religion shall keep School,—Such Person being thereof lawfully convicted—shall be adjudged to perpetual imprisonment, 11, 12 *Will.* 3. c. 4.” In the same Act a Proviso is added, “That nothing in it shall be construed to extend to any Popish Priest for saying Mass or officiating as a Priest within the Dwelling House of any Foreign Minister residing here, *so as such Priest be not one of his Majesty's natural born Subjects*; and so as the name of such Priest, and the Place of his Birth, and the Foreign Minister to whom he belongs be registred.”

Suppose now an Order were to be published for the Apprehending Popish Priests, *natural born Subjects*, and imagine Some of Them officiating as Priests,

Priests in *Foreign Ministers Houses* to be apprehended, Is This any violation of the *Law of Nations*?

I would observe then, 1. That *Civil Law* is to be distinguished from the *Law of Nations*; and that whatever Laws any independent State makes for itself, That is properly its *Civil Law*, and must oblige its *Subjects*.

2. The *Law of Nations*, is That which *Natural Reason* declares to be right and Just. The Dictate of *Natural Reason* does not depend on the *Civil Laws* of any People, but upon the nature of Right and Wrong, Honesty and Dishonesty: and therefore the *Law of Nations*, and the *Law of Nature* are the same.

3. The *Law of Nations* requires the Worship of God, and authorizes Decency; and Every man that is not a *Subject* to the Laws of a Country, has a Right unmolested to use his own Modes of Worship; Nor is he to be deemed an Offender against any *Civil Law*, who is not a *Subject* to such *Civil Law*. But then no *Foreigner* has a Right in Virtue of the *Law of Nations* to exempt any Prince's *Subjects* from the *Civil Laws* of the State where he resides. And though he has a Right to Immunities for himself and his Family; yet if he takes into his Family the *Subjects* of a Prince, which are prohibited by *Civil Laws* from doing certain Acts, and are punishable for doing them, the *Law of Nations* will not justify Them in doing Such Acts, nor excuse the Offenders.

4. Suppose no Notice should happen to be taken of a *Subject's* Offending against the Laws of his Country for any given time, yet That is no Indemnity, or Justification, when it comes to be notoriously flagrant, and is taken notice of.

5. Those who plead for a Liberty of taking and using Priests of the Nation where they reside, should at least produce Instances, or Custom, grounded

grounded in the nature of things, to justify the Use of Priests who are actually forbid by their natural Sovereign under severe penalties to *officiate as Priests*. To produce Instances of Priests who are *not forbid* to officiate by the *Civil Laws* of a Country (e. g. *Popish Priests in Popish Countries*) is nothing to the purpose: The *Law of Nations* or *Custom*, or *Reason*, may here be pleaded: Nor do our Laws forbid any *Foreign Priest* to officiate in any *Foreign Minister's House*. But as our *Natural born Subjects* are *forbidden*, it is impossible to produce the *Law of Nations*, to justify the Use of any Prince's *Subjects* in flat contradiction to the known *Laws* of the Country where they reside.

6. If Customs in other Nations will justify proceedings here; Every *natural born Subject* of *France*, e. g. going to our Ambassador's Chapel, is seized at his coming out of the Chapel, and punished according to the Laws of his Country. And shall a *natural born Subject* of *England*, not only go to a *Popish Chapel*, but even *Officiate* in it, *contrary* to our *Laws*; and if he be *apprehended*, can it be thought a violation of the *Law of Nations*?

Let me add now in relation to my Subject in general,

If Laws be insufficient, it is reasonable to mend them; if defective, they should be supplied; if those in Being are inconvenient, New ones should be made. And whether the Spreading Evil of making Converts to a *Foreign Jurisdiction*, and *alienating* Subjects from our *Sovereign*, does not require some Remedy, I humbly submit to the Wisdom of my Superiors.

F I N I S.

